

**U.S. District Court**  
**California Northern District (Oakland)**  
**CIVIL DOCKET FOR CASE #: 4:18-cv-05772-DMR**

National Public Radio, Inc. et al v. United States Department of  
 Veterans Affairs Date Filed: 09/20/2018  
 Assigned to: Magistrate Judge Donna M. Ryu Jury Demand: None  
 Cause: 05:552 Freedom of Information Act Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff****National Public Radio, Inc.**

represented by **Selina Jessie MacLaren**  
 DAVIS WRIGHT TREMAINE LLP  
 865 South Figueroa Street  
 Suite 2400  
 Los Angeles, CA 90017  
 213-633-6800  
 Email: [selinamaclaren@dwt.com](mailto:selinamaclaren@dwt.com)  
 ATTORNEY TO BE NOTICED

**Thomas R. Burke**  
 Davis Wright Tremaine LLP  
 505 Montgomery Street, Suite 800  
 San Francisco, CA 94111-6533  
 415/276-6500  
 Fax: 415/276-6599  
 Email: [thomasburke@dwt.com](mailto:thomasburke@dwt.com)  
 ATTORNEY TO BE NOTICED

**Plaintiff****Eric Westervelt**

represented by **Selina Jessie MacLaren**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Thomas R. Burke**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

V.

**Defendant****United States Department of Veterans  
 Affairs**

represented by **Adrienne Zack**  
 United States Attorney's Office  
 Northern District of California  
 450 Golden Gate Avenue  
 P.O. Box 36055  
 San Francisco, CA 94102-3495  
 415-436-7031  
 Fax: 415-436-6748  
 Email: [adrienne.zack@usdoj.gov](mailto:adrienne.zack@usdoj.gov)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/20/2018	1	COMPLAINT for Declaratory and Injunctive Relief for Violation of the Freedom of Information Act, 5 U.S.C. section 552 et seq., against United States Department of Veterans Affairs. (Filing fee \$400 receipt number 0971-12697137). Filed by National Public Radio, Inc., Eric Westervelt. (Attachments: # 1 Exhibit A to FOIA Complaint, #

		<u>2</u> Exhibit B to FOIA Complaint, # <u>3</u> Civil Cover Sheet)(Burke, Thomas) (Filed on 9/20/2018) Modified on 9/21/2018 (jmlS, COURT STAFF). (Entered: 09/20/2018)
09/20/2018	<u>2</u>	Proposed Summons. (Burke, Thomas) (Filed on 9/20/2018) (Entered: 09/20/2018)
09/21/2018	<u>3</u>	<p>Case assigned to Magistrate Judge Donna M. Ryu.</p> <p>Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at <a href="http://cand.uscourts.gov/ecf/caseopening">http://cand.uscourts.gov/ecf/caseopening</a>.</p> <p>Standing orders can be downloaded from the court's web page at <a href="http://www.cand.uscourts.gov/judges">www.cand.uscourts.gov/judges</a>. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 10/5/2018. (jmlS, COURT STAFF) (Filed on 9/21/2018) (Entered: 09/21/2018)</p>
09/21/2018	<u>4</u>	<b>Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 12/12/2018. Initial Case Management Conference set for 12/19/2018 01:30 PM in Oakland, Courtroom 4, 3rd Floor. (jjbS, COURT STAFF) (Filed on 9/21/2018) (Entered: 09/21/2018)</b>
09/21/2018	<u>5</u>	Summons Issued as to United States Department of Veterans Affairs. (jjbS, COURT STAFF) (Filed on 9/21/2018) (Entered: 09/21/2018)
10/09/2018	<u>6</u>	CLERK'S NOTICE TO PLAINTIFFS Re: Consent or Declination: Plaintiffs shall file a consent or declination to proceed before a magistrate judge. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: <a href="http://cand.uscourts.gov/civilforms">http://cand.uscourts.gov/civilforms</a> . Consent/Declination due by 10/23/2018. (ig, COURT STAFF) (Filed on 10/9/2018) (Entered: 10/09/2018)
10/24/2018	<u>7</u>	NOTICE of Appearance by Adrienne Zack (Zack, Adrienne) (Filed on 10/24/2018) (Entered: 10/24/2018)
10/24/2018	<u>8</u>	ANSWER to <u>1</u> Complaint by United States Department of Veterans Affairs. (Zack, Adrienne) (Filed on 10/24/2018) Modified on 10/25/2018 (jjbS, COURT STAFF). (Entered: 10/24/2018)
10/24/2018	<u>9</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by United States Department of Veterans Affairs.. (Zack, Adrienne) (Filed on 10/24/2018) (Entered: 10/24/2018)
10/30/2018	<u>10</u>	CLERK'S SECOND NOTICE TO PLAINTIFFS Re: Consent or Declination: Plaintiffs shall file a consent or declination to proceed before a magistrate judge. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: <a href="http://cand.uscourts.gov/civilforms">http://cand.uscourts.gov/civilforms</a> . Consent/Declination due by 11/13/2018. (dtmS, COURT STAFF) (Filed on 10/30/2018) (Entered: 10/30/2018)
11/01/2018	<u>11</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by National Public Radio, Inc., Eric Westervelt.. (Burke, Thomas) (Filed on 11/1/2018) (Entered: 11/01/2018)
11/30/2018	<u>12</u>	ADR Clerks Notice re: Non-Compliance with Court Order. The parties have failed to file an ADR Certification as required by the Initial Case Management Scheduling Order. Counsel shall comply promptly with the requirements of ADR L.R. 3-5(b) and shall file the ADR Certification. ( <i>This is a text-only entry generated by the court. There is no document associated with this entry.</i> )(cmf, COURT STAFF) (Filed on 11/30/2018) (Entered: 11/30/2018)
11/30/2018	<u>13</u>	STIPULATION WITH PROPOSED ORDER to <i>Continue Case Management Conference</i> filed by United States Department of Veterans Affairs, National Public Radio, Inc., and Eric Westervelt. (Attachments: # <u>1</u> Declaration of Adrienne Zack)(Zack, Adrienne) (Filed on 11/30/2018) Modified on 12/3/2018 (jjbS, COURT STAFF). (Entered: 11/30/2018)

12/03/2018	<u>14</u>	<b>ORDER by Magistrate Judge Donna M. Ryu granting <u>13</u> Stipulation to continue: Joint Case Management Statement due by 2/13/2019. Initial Case Management Conference continued to 2/20/2019 01:30 PM. (ig, COURT STAFF) (Filed on 12/3/2018)</b> (Entered: 12/03/2018)
01/22/2019	<u>15</u>	ADMINISTRATIVE MOTION to Stay Case Management Conference and Related Deadlines ( <i>Unopposed</i> ) filed by United States Department of Veterans Affairs. Responses due by 1/28/2019. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order)(Zack, Adrienne) (Filed on 1/22/2019) (Entered: 01/22/2019)
01/25/2019	<u>16</u>	<b>ORDER BY MAGISTRATE JUDGE DONNA M. RYU GRANTING DEFENDANT'S <u>15</u> ADMINISTRATIVE MOTION TO STAY CASE MANAGEMENT CONFERENCE AND RELATED DEADLINES. (ig, COURT STAFF) (Filed on 1/25/2019)</b> (Entered: 01/25/2019)
02/13/2019	<u>17</u>	<b>ORDER: The stay of this matter is hereby lifted. By 2/21/2019, the parties shall submit a stipulation regarding a new case management schedule. Signed by Magistrate Judge Donna M. Ryu on 2/13/2019. (This is a text-only entry generated by the court. There is no document associated with this entry.) (dmrlc1, COURT STAFF) (Filed on 2/13/2019)</b> (Entered: 02/13/2019)
02/15/2019	<u>18</u>	STIPULATION WITH PROPOSED ORDER to <i>Continue Case Management Conference</i> filed by United States Department of Veterans Affairs, Eric Westervelt, and National Public Radio, Inc. (Attachments: # <u>1</u> Declaration)(Zack, Adrienne) (Filed on 2/15/2019) Modified on 2/19/2019 (jjbS, COURT STAFF). (Entered: 02/15/2019)
02/19/2019	<u>19</u>	<b>ORDER by Magistrate Judge Donna M. Ryu granting <u>18</u> Stipulation to Continue: Joint Case Management Statement due by 4/24/2019. Initial Case Management Conference continued to 5/1/2019 01:30 PM. (ig, COURT STAFF) (Filed on 2/19/2019)</b> (Entered: 02/19/2019)
04/09/2019	<u>20</u>	NOTICE of Appearance by Selina Jessie MacLaren (MacLaren, Selina) (Filed on 4/9/2019) (Entered: 04/09/2019)
04/09/2019	<u>21</u>	STIPULATION WITH PROPOSED ORDER to Advance Case Management Conference< filed by United States Department of Veterans Affairs, Eric Westervelt and National Public Radio, Inc. (Attachments: # <u>1</u> Declaration)(Zack, Adrienne) (Filed on 4/9/2019) Modified on 4/10/2019 (ajsS, COURT STAFF). (Entered: 04/09/2019)
04/10/2019	<u>22</u>	<b>Order by Magistrate Judge Donna M. Ryu granting <u>21</u> Stipulation to Advance Initial Case Management Conference. Initial Case Management Conference set for 4/17/2019 at 1:30 PM in Oakland, Courtroom 4, 3rd Floor. The parties' joint Case Management Statement is due by 4/11/2019. (This is a text-only entry generated by the court. There is no document associated with this entry.) (dmrlc1, COURT STAFF) (Filed on 4/10/2019)</b> (Entered: 04/10/2019)
04/11/2019	<u>23</u>	JOINT CASE MANAGEMENT STATEMENT filed by United States Department of Veterans Affairs, Eric Westervelt and National Public Radio, Inc. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Zack, Adrienne) (Filed on 4/11/2019) Modified on 4/12/2019 (ajsS, COURT STAFF). (Entered: 04/11/2019)
04/11/2019	<u>24</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Zack, Adrienne) (Filed on 4/11/2019) (Entered: 04/11/2019)
04/17/2019	<u>25</u>	PDF with attached Audio File. Court Date & Time [ 4/17/2019 1:33:39 PM ]. File Size [ 5568 KB ]. Run Time [ 00:11:36 ]. (courtspeak). (Entered: 04/17/2019)
04/17/2019	<u>26</u>	<b>Minute Entry for proceedings held before Magistrate Judge Donna M. Ryu: Initial Case Management Conference held on 4/17/2019. By 5/10/2019, Defendant shall complete its production. By 6/21/2019, Defendant shall produce a final Vaughn index. Updated Joint Case Management Statement due by 7/24/2019. Further Case Management Conference set for 7/31/2019 01:30 PM. FTR Time: Civil Conference Minute Order. Attachment: Civil Conferece Minute Order. (ig, COURT STAFF) (Date Filed: 4/17/2019)</b> (Entered: 04/18/2019)
05/06/2019	<u>27</u>	STIPULATION WITH PROPOSED ORDER re <u>26</u> to Extend Production Deadline filed by United States Department of Veterans Affairs, Eric Westervelt and National Public Radio, Inc. (Attachments: # <u>1</u> Declaration)(Zack, Adrienne) (Filed on 5/6/2019)

		Modified on 5/7/2019 (ajsS, COURT STAFF). (Entered: 05/06/2019)
05/07/2019	<u><a href="#">28</a></u>	<b>ORDER by Magistrate Judge Donna M. Ryu granting <u>27</u> Stipulation: Defendant's production deadline is extended from 5/10/2019 to 5/15/2019. (ig, COURT STAFF) (Filed on 5/7/2019) (Entered: 05/07/2019)</b>
07/24/2019	<u><a href="#">29</a></u>	UPDATED JOINT CASE MANAGEMENT STATEMENT filed by United States Department of Veterans Affairs, Eric Westervelt and National Public Radio, Inc. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Zack, Adrienne) (Filed on 7/24/2019) Modified on 7/25/2019 (ajsS, COURT STAFF). (Entered: 07/24/2019)
07/31/2019	<u><a href="#">30</a></u>	PDF with attached Audio File. Court Date & Time [ 7/31/2019 2:53:55 PM ]. File Size [ 11064 KB ]. Run Time [ 00:23:03 ]. (courtspeak). (Entered: 07/31/2019)
07/31/2019	<u><a href="#">31</a></u>	Minute Entry for proceedings held before Magistrate Judge Donna M. Ryu: Further Case Management Conference held on 7/31/2019. See minute order for all particulars. Updated Joint Case Management Statement due by 11/27/2019. Further Case Management Conference set for 12/4/2019 01:30 PM. FTR Time: 2:53–3:16. Attachment: Civil Conference Minute Order. (ig, COURT STAFF) (Date Filed: 7/31/2019) (Entered: 08/02/2019)
08/07/2019	<u><a href="#">32</a></u>	MOTION for Extension of Time to File / <i>Produce Responsive Materials</i> filed by United States Department of Veterans Affairs. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order)(Zack, Adrienne) (Filed on 8/7/2019) (Entered: 08/07/2019)